

Proposed Pre-Trial Jury Instruction

Lawfulness of the Plaintiff's Strip Search

During this case you will hear evidence regarding the Plaintiff's March 20, 2003 strip search. I have held that this strip search was lawful. This Court has already decided that this March 20, 2003 strip search of the Plaintiff was lawful and proper. That means that the Defendants, Marcus Eddings and William Feeney, cannot be held liable for the strip search. The purpose of this evidence is only for the purpose of providing you with proper context and background.

Therefore, the only issue for you to decide is whether or not Defendant Eddings conducted a body cavity search of the Plaintiff. That is, whether he inserted his finger into the Plaintiff's rectum during the search on March 20, 2003; and whether Defendant Feeney, as Defendant Eddings' supervisor, directed, condoned, knew of, or should have known of Eddings' alleged conduct of inserting his finger into Plaintiff's rectum.